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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Mohamed Ali Saleh **Alnajar** (Yemen)

1. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fifty-ninth session of the General Assembly in accordance with Assembly resolution 58/69 of 8 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 30 September 2004, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely items 57 to 72, which was held at the 2nd to 9th meetings, on 4, 5, 7, 8 and 11 to 14 October (see A/C.1/59/PV. 2-9). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 10th to 16th meetings, from 18 to 22 and on 25 October (see A/C.1/59/PV.10-16). Action on all draft resolutions was taken at the 17th to 23rd meetings, from 26 to 28 October and on 1 and 3 to 5 November (see A/C.1/59/PV. 17-23).

4. There were no documents submitted for the consideration by the Committee under this item.

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II. Consideration of draft resolution A/C.1/59/L.54

5. At the 14th meeting, on 22 October, the representative of Sweden on behalf of Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mongolia, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/59/L.54). Subsequently, Costa Rica, Côte d'Ivoire, Ecuador, Kazakhstan, Monaco, Nicaragua, Panama, Papua New Guinea, the Republic of Korea, Switzerland, Turkmenistan, Ukraine, Venezuela and Uruguay joined in sponsoring the draft resolution.

6. At the 20th meeting, on 1 November, the Secretary of the Committee made a statement on behalf of the Secretary-General concerning the financial implications of draft resolution A/C.1/59/L.54.

7. At the same meeting, the Committee adopted draft resolution A/C.1/59/L.54 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 58/69 of 8 December 2003,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[2] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)[1] and the Protocol on Blinding Laser Weapons (Protocol IV),[3]

Recalling the decision by the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects to establish an open-ended group of governmental experts with two separate coordinators on explosive remnants of war and on mines other than anti-personnel mines,[4]

Recalling also the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

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[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[2] CCW/CONF.I/16 (Part I), annex B.

[3] Ibid., annex A.

[4] See CCW/CONF.II/2 and Corr.1, part II.

3. *Welcomes with satisfaction* the adoption of the Protocol on Explosive Remnants of War (Protocol V)[5] at the Meeting of the States Parties held at Geneva on 27 and 28 November 2003, and calls upon the States parties to express their consent to be bound by the Protocol and to notify the depositary at an early date of their consent;

4. *Notes* the decision of the Meeting of the States Parties that the Working Group on Explosive Remnants of War would continue its work in 2004 with the mandate to continue to consider the implementation of existing principles of international humanitarian law and to further study, on an open-ended basis, and initially with particular emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimizing the humanitarian risk of these munitions becoming explosive remnants of war;[6]

5. *Also notes* the decision of the Meeting of the States Parties that the Working Group on Mines Other Than Anti-Personnel Mines would continue its work in 2004 with the mandate to consider all proposals on mines other than anti-personnel mines put forward since the establishment of the Group of Governmental Experts;[7]

6. *Further notes* the decision of the Meeting of the States Parties that the Chairman-designate should continue to undertake consultations during the intersessional period on possible options to promote compliance with the Convention and the Protocols thereto, taking into account proposals put forward;[8]

7. *Expresses support* for the work conducted by the Group of Governmental Experts, and encourages the Chairman-designate and the Group to conduct work, in accordance with the mandate for 2004, with the aim of elaborating appropriate recommendations on mines other than anti-personnel mines, for submission to the Meeting of the States Parties on 18 and 19 November 2004, and to report on the work done on compliance, as well as on the implementation of existing principles of international humanitarian law and on possible preventive technical measures in relation to explosive remnants of war;

8. *Recalls* the decision of the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects to convene a further conference not later than 2006, with preparatory meetings starting as early as 2005, if necessary,[4] and requests the Meeting of the States Parties on 18 and 19 November 2004 to consider this issue;

9. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Meeting of the States Parties on 18 and 19 November 2004, as well as for any possible continuation of work after the Meeting, should the States parties deem it appropriate;

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[5] See CCW/MSP/2003/3, appendix II.

[6] Ibid., para. 26 and appendix III.

[7] Ibid., para. 27 and appendix IV.

[8] Ibid., para. 28.

10. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention and the Protocols thereto;

11. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".